



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/843,629

04/26/2001

Mototsugu Abe

09792909-5003

9203

26263

7590

08/04/2008

SONNENSCHN NATH & ROSENTHAL LLP

P.O. BOX 061080

WACKER DRIVE STATION, SEARS TOWER

CHICAGO, IL 60606-1080

EXAMINER

VENT, JAMIE J

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

08/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed June 24, 2008 have been fully considered but they are not persuasive. On pages 11-17 applicant argues that Nafeh in view of Zigmond et al in view of Merriman et al fails to disclose, suggest, or teach the following limitation "recording means for recording each signal extracted from the input signal by the commercial message extracting means" as recited in Claim 1. It is disclosed by Nafeh in Column 2 Lines 60-67 and Column 3 Lines 1-17 the processing and extracting of information from the signal to either a recording or display device. Additionally, it is disclosed in Column 1 Lines 33-55 the recording and displaying is based on predetermined conditions wherein classification patterns are associated with displaying or storing information based on image and voice patterns. The system allows the ability to record or display a program or commercial based on objects to be classified (Column 1 Lines 65-67 and further allows other variety of configurations (Column 7 Lines 34-57). Therefore, the system has the ability to record either a program or a commercial depending on the classification signal being processed at the time. Although, Nafeh uses the system primarily to eliminate commercials being recorded to the VCR the parameters of classification could include the extraction of programs and the recording of commercials as the neural network is based on a algorithm of desired output (Column 6 Lines 6-40) and further states that recording a commercial can occur even when the system might try to eliminate the commercial (Column 6 Lines 29-33). Additionally, on pages 17-18 applicant argues that Nafeh in view of Zigmond et al in view of Merriman et al fails to disclose, suggest, or teach the following limitation "an index information

extracting means for extracting information from said commercial message section to be used as a user selectable index representing the recorded commercial message, the information extracted from said commercial message section and associated with said commercial message being one of a starting image, a cut point image, a starting sound or an ending sound" as disclosed in Claim 1. It is noted that Merriman shows a user selectable index from commercial messages in Figure 2 and further describes the ability of the user to select messages in paragraphs 0012-0013. The commercial messages maybe recorded on the storage medium as the program is classified, displayed, and recorded. Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE JO VENT whose telephone number is (571)272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

/J. J. V./
Examiner, Art Unit 2621